

Remarks

Applicants have carefully reviewed the Office Action mailed on December 9, 2004. Applicants respectfully traverse all objections, rejections, and assertions made by the Examiner. Claims 1, 6, 21-22, 28-33 remain pending.

Claims 1, 6, 21-22, 28-33 are rejected under 35 U.S.C. § 102(e) as being anticipated by McKenzie et al. in U.S. Patent No. 6,499,487. Regarding claims 1 and 6, claim 1 recites a vascular filter having a blood-permeable element disposed on a guidewire. Applicants previously indicated that claim 1 is distinguishable from McKenzie et al. because claim 1 recites a filter disposed on a guidewire. The Examiner indicated that Figure 9 of McKenzie et al. discloses this feature. We disagree.

Figures 6-10 of McKenzie et al. "show one method of introducing and positioning aortic diverter 10 in the ascending aorta." McKenzie et al. at column 10, lines 25-26. The method involves loading the aortic diverter 10 onto a catheter 110 and then covering it with a sleeve, which prevents the aortic diverter 10 from expanding. McKenzie et al. at Figure 6. The loaded catheter assembly is then advanced over a guidewire. Once properly positioned, the sleeve is retracted and the aortic diverter 10 is allowed to expand. McKenzie et al. at Figure 8. The catheter is then retracted from the vessel. McKenzie et al. at Figure 9. What is shown in Figure 9, thus, is a portion of the method where the aortic diverter 10 is expanded in the vessel and the catheter is being retracted from the vessel.

Claim 1 recites a filter disposed on a guidewire. In order for a filter to be "on" a guidewire, it must somehow contact the guidewire or otherwise be positioned on a surface of the guidewire. Although it may appear as though the aortic diverter 10

contacts the guidewire in Figure 9 of McKenzie et al., this is not the case. Figure 10 of McKenzie et al. clearly shows the distinct and separateness of the aortic diverter 10 and the guidewire. Logically, the fact that the aortic diverter 10 is placed on the exterior of the catheter (and not on the guidewire and within the lumen of the catheter) indicates that the aortic diverter 10 is never disposed on the guidewire. Therefore, Figure 9 cannot be reasonably interpreted to show a filter disposed on a guidewire. In addition, none of the other Figures 6-10 show anything different. Therefore, the McKenzie et al. cannot meet the limitation of a filter being on a guidewire. Because of this, claim 1 as well as claim 6 depending therefrom are patentable over McKenzie et al.

Regarding claims 21-22 and 28-29, claim 21 recites that the catheter includes a bent tip that partially occludes the catheter lumen. The Examiner indicated that Figure 9 of McKenzie et al. discloses this feature. We disagree. Although it appears that the distal end of the catheter shown in Figure 9 may be rounded, the tip does not appear to be bent. In addition, the lumen of the rounded tip catheter disclosed by McKenzie et al. is constant in diameter and does not appear to be, in any way, occluded. Therefore, the limitations recited in claim 21 provide a number of structural limitations that define claim 21 over McKenzie et al. Because claims 22 and 28-29 depend from claim 21, they are allowable based on these remarks and because they add significant elements to distinguish them from the art.

Regarding claims 30-33, claim 30 recites a vascular filter secured to a portion of the guidewire. As described above, Applicants believe that McKenzie et al. fail to disclose a filter disposed on a guidewire. Clearly, if the aortic diverter 10 of McKenzie et al. is not disposed on a guidewire it certainly cannot be secured to the guidewire.

Moreover, securing a first object to a second object suggests that movement of the first object results in analogous movement of the second object. Figures 6-10 of McKenzie et al. clearly show that this type of relationship does not exist between the aortic diverter 10 and the guidewire because the two objects move independently of one another. Therefore, McKenzie et al. cannot anticipate claim 30 or claims 31-32 depending therefrom.

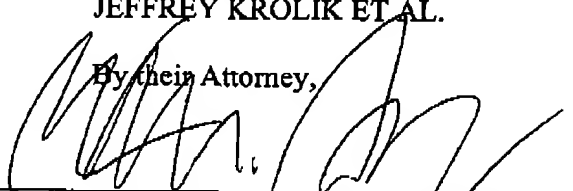
Reexamination and reconsideration are requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By their Attorney,

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